

Eileen Madrigal

From: Eileen Madrigal
Sent: Monday, September 25, 2006 7:01 PM
To: Mike_Jolley@cmicro.com
Cc: pcross@semitool.com; amilliard@semitool.com; Keith V. Rockey; Eileen Madrigal
Subject: AMAT Backside Etch; Serial No. 10/647,914; P00-0024US3; 114183-20
Attachments: INVENTION DISCLOSURE.pdf

Dear Mike,

Thank you for your note of September 14, 2006. I can sympathize with your hazy recollection of the events after seven years.

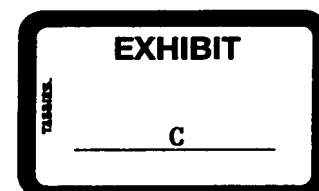
Dealing first with the lack of a date on Exhibit A, it is standard procedure, when submitting an affidavit or declaration in the PTO to establish an earlier date of invention, to delete the actual dates shown on the documents. The reason for that is few companies want to let the public know, once the patent issues, what their "best" or "earliest" date of invention might be. Including the date would do just that. The convention has long been followed to simply leave out the date and allege that the date that does appear on the documents is prior to, in this case, November of 1998.

I can readily understand your concern about this. I am attaching to this email a copy of the unexpurgated form of the Invention Record (Exhibit A). You will be able to see for yourself that the dates which it contains are all prior to November of 1998. Therefore, I am quite comfortable in asking Steve to execute the document alleging that the work done was done prior to November of 1998. I hope that eases your concern since the dates are all prior.

I also appreciate your views that you would prefer to have your name removed from the application. As a general rule, in prospective interference situations, such motions can be viewed with suspicion. I discussed this case with Pete Cross, and you are quite right that you did suggest a combination of HF with oxidizing agents, notably hydrogen peroxide. That is described in the application as one possible embodiment and thus we believe your inclusion as an inventor was entirely appropriate. We would prefer to leave the inventorship alone as far as you are concerned since there was ample basis on which to include you.

I would accordingly, in light of all the foregoing, ask you to sign the declaration which I forwarded to you and return it to me. If you have any further questions about any of these issues, please do not hesitate to let me know.

Keith



9/25/2006

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